

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-3, 5, 6 and 11 are now present in the application. Claims 1 and 5 have been amended. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons For Entry Of Amendments

It is respectfully requested that the present amendments be entered into the Official File because the amendments to the claims are believed to place the present application into condition for allowance. In the alternative, if the Examiner persists in maintaining his rejections, it is respectfully requested that the Examiner enter the amendments for the purposes of Appeal.

Drawings Objections

The drawings have been objected to under 37 C.F.R. § 1.83(a). In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed and no amendments to the drawings are necessary. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanley, U.S. Patent No. 6,733,150. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanley in view of Lee, U.S. Patent Application Publication No. 2002/0021566. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to recite a combination of elements including “a light-emitting diode module including a plurality of light-emitting diodes arranged as a unitary module;

a frame having a first end and a second end, said plurality of light-emitting diodes being positioned adjacent to said first end for selectively emitting light therefrom; and an electronics control part for controlling the light-emitting diodes, the electronics control part including a switch, said switch being displaced towards said second end of said frame relative to the positioning of the light-emitting diodes, wherein the light-emitting diodes are fitted in the frame, side by side, adjacent to each other, said light-emitting diodes being directly operatively connected to the switch through the frame without the use of elongated wires, and wherein the light-emitting diodes and the switch are arranged integrally to the frame.”

Applicant respectfully submits that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

In particular, as shown in FIG. 8 of Hanley, the light-emitting diodes 832 of the LED module 830 are connected to the switch 866 *via the elongated wires 880*. Therefore, Hanley fails to teach “said light-emitting diodes being directly operatively connected to the switch through the frame *without the use of elongated wires*” as recited in claim 1.

In addition, since the light-emitting diodes 832 are connected to the switch 866 via the elongated wires 880, the light-emitting diodes 832 and the switch 866 are not arranged integrally to the headgear 801 (referred to by the Examiner as the frame). Therefore, Hanley also fails to teach “the light-emitting diodes and the switch are arranged integrally to the frame” as recited in claim 1.

With regard to the Examiner’s reliance on Lee, this reference has only been relied on for its teachings against dependent claim 11. This reference also fails to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, this reference fails to cure the deficiencies of Hanley.

Accordingly, neither of the references utilized by the Examiner individually or in combination teaches or suggests the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicant respectfully submits that claim 1 or its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

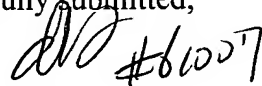

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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